

## REMARKS

The present amendment is submitted as part of a Request for Continued Examination, as submitted herewith. Claims 1-32 were pending prior to the instant amendment. By this amendment, claims 1-26 are cancelled, claims 1-32 are amended, and claims 33-58 are added, to more clearly recite the features of the present invention to which Applicants are entitled. No new matter is introduced and support for these amendments can be found throughout the specification, as published, more specifically, in paragraphs [0021]-[0040]. Thus, claims 27-58 remain pending in this application.

First, Applicant wishes to thank Primary Examiner Backer for conducting a personal interview with Applicant's representative on January 26, 2005. Although no agreement was reached, the claims as amended herewith to include the recited features were substantially discussed and are patentably distinguishable over the previously applied reference, *Estakri et al.* (U.S. Patent 6,757,800). Specifically, *Estakri et al.* fails to teach, disclose or suggest all of the features recited in the claims, as amended. For example, independent claim 27, as amended recites:

A computer readable medium having computer readable instructions embedded therein for effecting a method for distributing digital works for use in a digital rights management system, said instructions comprising:

instructions for receiving a request from a requesting device for downloading digital content data;

instructions for associating a flag element with said digital content data, said flag element having at least one memory register;

instructions for downloading a portion of said digital content data;

instructions for manipulating said flag element to store at least one demarcation flag in at least one of said at least one memory register, said at least one demarcation flag being stored at specific locations within said at least one memory register to demarcate the downloaded portion of said digital content data; and

instructions for associating at least one respective usage right with said at least one demarcation flag, said at least one respective usage right specifying a permitted manner of use of the respective demarcated downloaded portion of said digital content data,

wherein said at least one memory register corresponds to memory addresses on an addressable memory indicating the downloaded portion of said digital content data, whereby the downloaded portion of the digital content data can be determined with said at least one demarcation flag without accessing the digital content data for enforcing said permitted manner of use of the respective demarcated downloaded portion of said digital content data; and

independent claim 30, as amended recites:

A method for distributing digital works to a computing device for use in a digital rights management system, said method comprising:

receiving a request, from a first computing device, at a second computing device, for downloading digital content data;

associating a flag element with said digital content data, said flag element having at least one memory register;

downloading a portion of said digital content data to said first computing device; and

manipulating said flag element to store at least one demarcation flag in at least one of said at least one memory register, said at least one demarcation flag being stored at specific locations within said at least one memory register to demarcate the downloaded portion of said digital content data; and

associating at least one respective usage right with said at least one demarcation flag, said at least one respective usage right specifying a permitted manner of use of the respective demarcated downloaded portion of said digital content data,

wherein said at least one memory register corresponds to memory addresses on an addressable memory indicating the downloaded portion of said digital content data, whereby the downloaded portion of the digital content data can be determined with said at least one demarcation flag without accessing the digital content data for enforcing said permitted manner of use of the respective demarcated downloaded portion of said digital content data.

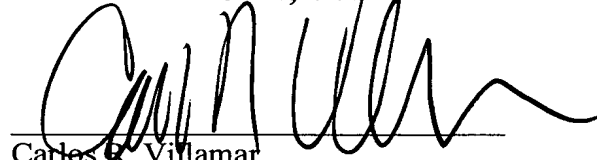
By contrast, *Estakri et al.* is directed to a increasing the memory performance of flash memory devices by writing sectors simultaneously to multiple flash memory devices, but fails to teach, disclose or suggest the noted features recited in independent claims 27 and 30, as amended.

The dependent claims are patentably distinguishable over *Estakri et al.* on their on merits and for as least the reasons discussed above with respect to the independent claims.

In view of the foregoing, it is submitted that the present application is in condition for allowance, and a notice to that effect is respectfully requested. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

**NIXON PEABODY, LLP**

A handwritten signature in black ink, appearing to read 'C. Villamar', written over a horizontal line.

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Date: **January 31, 2005**

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